

Exhibit 2

David Leigh 09/19/2017

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AXIOM INVESTMENT ADVISORS, LLC
by and through its Trustee, Gildor
Management, LLC, and
Axiom Investment Company, LLC,
by and through its Trustee, Gildor
Management, LLC

Plaintiffs

- against -

Case No: 15 Civ. 994 (LGS) B

DEUTSCHE BANK AG,
Defendant



David Leigh 09/19/2017

<p>1 A. I don't think I would agree with that on an individual 2 transaction basis.</p> <p>3 Q. Are there benefits to Deutsche Bank other than servicing 4 clients, to trading in Foreign Exchange currencies 5 electronically?</p> <p>6 Mr Genser: Again, just noting my objection. This is 7 outside the scope of 30(b)(6), all these questions are 8 being posed to Mr Leigh in his individual capacity.</p> <p>9 A. The advantage of, one advantage of electronic work flows 10 would be the volume of transactions, the number of 11 transactions that the bank's able to facilitate.</p> <p>12 BY Mr Zigler</p> <p>13 Q. Are there other advantages to Deutsche Bank in trading 14 foreign currencies electronically?</p> <p>15 A. No others come to mind at the moment.</p> <p>16 Q. What about the ability to hedge, is there an advantage 17 to Deutsche Bank's hedging opportunities by being able 18 to trade electronically?</p> <p>19 A. I think the activity of hedging applies equally in the 20 electronic and the voice space.</p> <p>21 Q. Does trading electronically allow Deutsche Bank to 22 provide more liquidity?</p> <p>23 Mr Genser: Objection, vague.</p> <p>24 A. What do you mean by the phrase more liquidity?</p> <p>25</p>	<p>1 venues were in your mind when you were describing that 2 business to me?</p> <p>3 A. Just to clarify, my recollection is that question was 4 referring specifically to electronic trading, it wasn't 5 clear to me if your question now is also electronic --</p> <p>6 Q. Yes, my question now is which venues does Deutsche Bank 7 trade currencies electronically?</p> <p>8 A. Again, just to clarify, for the client business we were 9 talking about earlier?</p> <p>10 Q. That's where we are going to start but we will move on 11 from there. Right now, client business and 12 electronically, what's the venues?</p> <p>13 A. Sure, so all of Deutsche Bank's client facing electronic 14 business is done over the Autobahn product. That's the 15 bank's branding for its electronic interface for 16 clients. And within that we would have a GUI offering 17 for the clients.</p> <p>18 Q. That stands for Graphical User Interface. Is that 19 correct?</p> <p>20 A. Yes, that's correct.</p> <p>21 Q. And then there was another method to access Autobahn 22 other than GUI. Is that correct?</p> <p>23 A. Yes, we have API interface for the product.</p> <p>24 Q. What does API stand for?</p> <p>25 A. Application Programme Interface. And we have a few</p>
<p>1 BY Mr Zigler</p> <p>2 Q. Does it allow - does trading electronically allow 3 Deutsche Bank the ability to buy and sell more 4 currencies than it could otherwise?</p> <p>5 A. No, I don't believe so.</p> <p>6 Q. Over what venues does Deutsche Bank electronically trade 7 currencies?</p> <p>8 A. It would possibly be helpful if you could clarify a 9 little bit for me with regards to what you mean by a 10 venue, and which products you are referring to, and if 11 you are talking about client business or other 12 activities?</p> <p>13 Q. Okay. So as I understand it, you need clarification for 14 the term venues, and which products and which clients I 15 am speaking of. Is that correct?</p> <p>16 A. Not quite, no. So on the - if you are talking about the 17 client liquidity provision business or if you are 18 including the hedging activity you referred to in the 19 previous question.</p> <p>20 Q. Okay, is that what you meant with respect to products?</p> <p>21 A. No, it's not.</p> <p>22 Q. Okay. Let's start with the answer that you gave earlier 23 today when you talked about Deutsche Bank's FX Trading 24 as providing liquidity to clients. And you used the 25 term venues when providing me those answers. So which</p>	<p>1 flavours of that.</p> <p>2 Q. And what are the flavours of your API interface?</p> <p>3 A. So we have a direct API connection for our clients for 4 the full product suite. We have a rapid API interface 5 for clients for FX Spot, and then we would have third 6 party platforms which could interact with the systems 7 through those same APIs.</p> <p>8 Mr Genser: We have been going for about an hour, so at a 9 convenient point in the next couple of questions, we can 10 take a break.</p> <p>11 Mr Zigler: We can break now.</p> <p>12 Videographer: Going off the record at 10.15.</p> <p>13 (SHORT BREAK)</p> <p>14 Videographer: Back on the record at 10.26.</p> <p>15 BY Mr Zigler</p> <p>16 Q. Before we took a break, we were discussing the venues 17 which Deutsche Bank electronically trades currencies and 18 thus far we had heard about Autobahn and a couple of 19 ways to get into Autobahn through an API. Is that 20 right?</p> <p>21 A. Yes, that's my recollection.</p> <p>22 Q. What other venues does Deutsche Bank trade currencies 23 electronically?</p> <p>24 A. Just to clarify we were talking specifically before the 25 break about Deutsche Bank's client business, do you want</p>



<p>1 me to answer with regard to that?</p> <p>2 Q. Yes, we will break it down in pieces and start with the</p> <p>3 client business. If you would like me to rephrase the</p> <p>4 question, my question is what other venues besides</p> <p>5 Autobahn does Deutsche Bank electronically trade</p> <p>6 currencies with clients?</p> <p>7 A. Apologies to ask again but we were also talking about</p> <p>8 the different products and I think we were talking about</p> <p>9 the Spot products previously and then going --</p> <p>10 Q. We will start with Spot?</p> <p>11 A. Yeah, so I think we also spoke about how third party</p> <p>12 venues can interface with the Autobahn products, but we</p> <p>13 would term all of our trading done through the Autobahn</p> <p>14 products.</p> <p>15 Q. Okay. So that's in addition to your Autobahn answer.</p> <p>16 We have GUI and API, but then Deutsche Bank also</p> <p>17 interfaces with other third potatoes through Autobahn as</p> <p>18 well. Is that correct?</p> <p>19 A. Broadly yes. So third parties can interact with the API</p> <p>20 in the same way clients do.</p> <p>21 Q. And by third parties, do you mean ECNs?</p> <p>22 A. Again with - subject to a few different definitions of</p> <p>23 that, yes the ECN activity that Deutsche Bank would do</p> <p>24 would be through Autobahn.</p> <p>25 Q. And that's who you mean when you say third parties to</p> <p style="text-align: right;">37</p>	<p>1 Q. Okay. So you mean to say that the third parties connect</p> <p>2 through an API to Autobahn, and clients access liquidity</p> <p>3 through the third parties who are connected through an</p> <p>4 API. Is that how I should understand your answer?</p> <p>5 A. No, I don't think that's quite what I am saying.</p> <p>6 Q. Please clarify then?</p> <p>7 A. So the client connects to Deutsche Bank for liquidity.</p> <p>8 All of that activity will be through the Autobahn</p> <p>9 platform. The client may elect to use a third party to</p> <p>10 facilitate that connection.</p> <p>11 Q. Okay. And can you give me examples of those third</p> <p>12 parties?</p> <p>13 A. Yes, I could give you some examples.</p> <p>14 Q. Please do?</p> <p>15 A. So examples would be 360T, and a number of others, some</p> <p>16 of which you have got in your Exhibit 1 document.</p> <p>17 Q. Is Hotspot one of those third parties?</p> <p>18 A. Hotspot would typically be a client of the bank rather</p> <p>19 than the third party.</p> <p>20 Q. What about Currenex, would you consider them a client of</p> <p>21 the bank or a third party in the answer that you gave</p> <p>22 previously?</p> <p>23 A. The bank would interact with Currenex in both those</p> <p>24 capacities.</p> <p>25 Q. FX All, would that be a client of the bank or a third</p> <p style="text-align: right;">39</p>
<p>1 your answer, or do you mean something else?</p> <p>2 A. So I don't think we agreed which definition of ECNs you</p> <p>3 would like to use for the purpose of this and the answer</p> <p>4 would depend on that, so it's a bit hard to answer.</p> <p>5 Q. Okay, so let me rephrase the question. How would you</p> <p>6 describe the third parties that you mentioned who can</p> <p>7 also interface with Autobahn other than clients?</p> <p>8 A. I would describe the third parties as being facilitators</p> <p>9 of the client business where the client's chosen to do</p> <p>10 their execution using that technology solution.</p> <p>11 Q. Can you name some of the third parties that access</p> <p>12 Autobahn in that way?</p> <p>13 A. So I don't think I can answer the question as it's</p> <p>14 phrased. It would be the clients who are interacting</p> <p>15 with Autobahn and Deutsche Bank.</p> <p>16 Q. I am sorry, I was going back a question further. So you</p> <p>17 mentioned that third parties access Autobahn, much like</p> <p>18 the clients do, through an API interface. Is that</p> <p>19 correct?</p> <p>20 A. So I should probably clarify my answer then. What I was</p> <p>21 referring to was third parties interfacing from a</p> <p>22 technology connectivity perspective. The client is the</p> <p>23 - of Deutsche Bank is the one accessing the liquidity,</p> <p>24 so there is a technical implementation and the activity</p> <p>25 of client trading which is separate.</p> <p style="text-align: right;">38</p>	<p>1 party as you previously described?</p> <p>2 A. They could also interact in either capacity.</p> <p>3 Q. So I understand to be -- venues such as EBS, Reuters,</p> <p>4 Currenex, Hotspot, this to be what I understand to be an</p> <p>5 ECN. Is that an incorrect definition?</p> <p>6 A. As I said earlier, there is a number of ways the phrase</p> <p>7 ECN is used in the FX market, and so I wouldn't say</p> <p>8 there was any right or wrong.</p> <p>9 Q. I mean I think there has to be some right or some wrong.</p> <p>10 I can either - those could be - could fall under an</p> <p>11 accepted definition of ECN, but the coffee shop</p> <p>12 wouldn't, right? If I called the coffee shop an ECN,</p> <p>13 that would clearly be wrong. Right?</p> <p>14 A. I haven't been to a coffee shop that's offered</p> <p>15 electronic trading services in financial products.</p> <p>16 Q. Right, right, so there is an accepted definition of what</p> <p>17 ECN might be and there might be several definitions of</p> <p>18 what an ECN is, but the examples I gave of EBS and</p> <p>19 Reuters and Hotspot, they fall under an accepted</p> <p>20 definition of ECN. Is that correct?</p> <p>21 A. So apologies, but - maybe I misheard your question, but</p> <p>22 it sounded like it contradicted itself, because you said</p> <p>23 there is an accepted definition and then you said there</p> <p>24 is many definitions, so I struggle aligning those two</p> <p>25 things.</p> <p style="text-align: right;">40</p>



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<p>1 A. I am not clear on this concept of third parties 2 providing liquidity to Autobahn. 3 BY Mr Zigler 4 Q. Let me ask it a different way. All right, so we 5 discussed EBS connecting to Autobahn to provide, to 6 allow clients access to Autobahn. Is that correct? 7 Mr Genser: Object to the form of the question. 8 A. I don't believe we discussed that. 9 BY Mr Zigler 10 Q. Does Deutsche Bank have a contractual relationship with 11 EBS? 12 A. Yes, I believe it does. 13 Q. And a contractual relationship with Reuters? 14 A. Yes, I believe it does. 15 Q. And with Hotspot? 16 A. Yes, I believe it does. 17 Q. Does Deutsche Bank have a contractual relationship with 18 Gain GTX? 19 A. Yes, I believe it does. 20 Q. Does Deutsche Bank have a contractual relationship with 21 FX All? 22 A. I am not sure on that one. 23 Q. Does Deutsche Bank have a contractual relationship with 24 Bloomberg? 25 A. In what capacity?</p> <p style="text-align: right;">61</p>	<p>1 clients on the Autobahn platform. What's the next step 2 in the electronic trading of foreign currency? 3 A. So the bank provides indicative prices out to the 4 Autobahn platform. Those are received by the client. 5 The client may elect to send a trade instruction to the 6 bank and the bank will make a decision and accept or 7 reject that transaction. So finality sits with the 8 bank. 9 Q. If the bank decides to accept the transaction, what 10 happens next? 11 Mr Genser: Just for clarity, I don't know if - I didn't 12 hear if the witness said transaction or instruction, I 13 believe he was referring to trade instructions. 14 Mr Zigler: We need to change the tape. 15 Videographer: This is the end of tape number one in the 16 deposition of David Leigh. We are going off the record 17 at 11.18. 18 (SHORT BREAK) 19 Videographer: This is the beginning of tape number two in 20 the deposition of David Leigh, going on the record at 21 11.52. 22 BY Mr Zigler 23 Q. In the electronic sale of foreign currencies, Deutsche 24 Bank provides indicative prices out to the Autobahn 25 platform. Those indicative prices are received by the</p> <p style="text-align: right;">63</p>
<p>1 Q. To provide - to allow the interaction with the Autobahn 2 system? 3 Mr Genser: Object to the form of the question. 4 A. To an extent your question means to do with - yes it 5 does have a contractual relationship. 6 BY Mr Zigler 7 Q. Let's move to a different topic. Let's talk about just 8 a very basic terms, how the electronic trading in 9 foreign currency operates. So my question, and we will 10 use Autobahn as an example to start with and we will 11 talk about the trading of Spot products with clients, 12 and I would like to know just at a high level the basics 13 of how electronic Foreign Exchange trading happens. So 14 what is the first step in the trading of electronic - 15 sorry, the trading of foreign currencies electronically 16 over Autobahn in the Spot market with clients? 17 A. Deutsche Bank provides indicative prices out to clients 18 over the Autobahn platform. 19 Q. Does that mean that Deutsche Bank publishes prices for 20 currencies allowing clients to - let me withdraw that 21 question. Deutsche Bank provides indicative prices out 22 to clients over the Autobahn platform. What happens 23 next on the Autobahn platform to -- I am going to 24 withdraw that. It's a terrible question too. 25 Deutsche Bank provides indicative prices out to</p> <p style="text-align: right;">62</p>	<p>1 client and the client may elect to send a trade 2 instruction to the bank. Is that correct? 3 A. Yes, I think that's accurate. 4 Q. Then if the client does so, the bank will make a 5 decision to reject or accept that transaction. Is that 6 correct? 7 Mr Genser: Object to the form. 8 A. The client submits a trade instruction and offers to 9 transact and the bank will accept or reject that. 10 Should the bank accept, then at that point a transaction 11 is formed. 12 BY Mr Zigler 13 Q. What are the reasons that a bank would reject a trade 14 instruction? 15 A. So there is a number of reasons a trade instruction may 16 be rejected. There would be system checks, credit 17 checks, and then a price check as well. 18 Q. Let's deal with those one at a time. When you say a 19 system check, what does that mean? 20 A. So the system will check that the - I guess if you 21 describe a basket of checks there, that the message 22 format that the trade request has been submitted in fits 23 the design of the system; that the system is operating 24 and hasn't had an outage that's able to process it. 25 Those sorts of things.</p> <p style="text-align: right;">64</p>



<p>1 process for transactions. That's how I would describe 2 it. 3 BY Mr Zigler 4 Q. Over Autobahn, is that correct? 5 A. For our - for Deutsche Bank's client trading activities, 6 which come in over the channels that we discussed 7 earlier. 8 Q. Does the trade acceptance process for transactions vary 9 based on the venue that the trading occurs on? 10 A. So there is no trade acceptance process for 11 transactions. You are misstating the work flow I think. 12 Q. Okay. So these checks that we have described, system 13 credit price and liquidity, in the trade acceptance 14 process make up your - Deutsche Bank's definition of 15 last look. Do those checks vary on the basis of the 16 venue? 17 Mr Genser: Object to the form of the question. 18 A. The trade acceptance process that we use is common 19 across all client activity. 20 BY Mr Zigler 21 Q. Was last look implemented at different times on these 22 venues? 23 Mr Genser: Object to the form of the question. 24 A. So the electronic work flow by which Deutsche Bank 25 interacts with clients whereby we stream indicative</p> <p style="text-align: right;">69</p>	<p>1 BY Mr Zigler 2 Q. Was it prior to your term at Deutsche Bank. 3 A. Well before I was at Deutsche Bank, I don't know what 4 people were saying, so I wouldn't know. 5 Q. Did the phrase last look describe these checks in the 6 trade acceptance process when you arrived at Deutsche 7 Bank? 8 Mr Genser: Object to the form. 9 A. So when I arrived at Deutsche Bank, I wasn't - I 10 wouldn't have been in a position that I would have been 11 familiar with all the terms that we used. 12 BY Mr Zigler 13 Q. What was the year in which you first became familiar 14 with the phrase last look? 15 A. It probably would have been on or around 2010, 2011. I 16 couldn't be more specific. 17 Q. And in 2010 and 2011, when you first became aware of the 18 phrase last look, is it your understanding of the term 19 last look incorporate all of these checks, the system, 20 credit, price and liquidity check that you mentioned, in 21 the trade acceptance process, or did it have a different 22 definition? 23 A. I understood it to be a generic term for the trade 24 acceptance process. 25 Q. Was the trade acceptance process different in 2010,</p> <p style="text-align: right;">71</p>
<p>1 prices out to clients, clients then trade requests or 2 offers to the bank, and the bank has a trade acceptance 3 process that has been common throughout my time at the 4 bank. 5 Q. It's been common regardless of venue for the entire time 6 you have been at the bank? 7 A. For client trading. 8 Q. When was the term last look first used at Deutsche Bank 9 to describe these baskets of checks? 10 Mr Genser: I am just going to object and just for the 11 record, I think it's clear from the nature of the 12 questions you have been asking, but I don't believe any 13 of these questions fall within any of the 30(b)(6) 14 topics you have identified. This is all in the witness' 15 capacity as a 30(b)1, in particular with respect to this 16 question. I think that's true as well as the previous 17 questions. 18 A. Apology, could you just repeat the question? 19 BY Mr Zigler 20 Q. When was the phrase last look first used at Deutsche 21 Bank to describe the baskets of checks involved in the 22 trade acceptance process? 23 Mr Genser: Same objection. 24 A. I don't recall. 25</p> <p style="text-align: right;">70</p>	<p>1 2011, than it is now? 2 A. There are some small difference, but generally it's the 3 same approach. 4 Q. But there have been changes to these checks over the 5 timeframe from 2010, 2011, to the present? 6 A. Yes, there have. 7 Q. Have there been changes to the system check as part of 8 the trade acceptance methodology since 2010, 2011? 9 A. Yes, there have. 10 Q. And what changes have been implemented in the system 11 checks since that time? 12 A. So I could give you a full list, but one example would 13 be the introduction of our rapid interface that we spoke 14 about before. Which is a co located system built upon a 15 different infrastructure, having different checks in 16 place. 17 Q. Is last look applied both to the trades with other 18 clients - sorry trades with clients and trades with 19 other banks? 20 Mr Genser: Object to the form of the question. 21 A. If you could clarify what you mean by other banks in 22 this context? 23 BY Mr Zigler 24 Q. Sure, does Deutsche Bank trade currencies electronically 25 with other banks?</p> <p style="text-align: right;">72</p>



<p>1 A. Yes, it does.</p> <p>2 Q. And does it consider that business separate than its</p> <p>3 client business?</p> <p>4 A. A bank wouldn't make a distinction in that way.</p> <p>5 Q. So a bank is a client just as any other liquidity taker.</p> <p>6 Is that correct?</p> <p>7 Mr Genser: Object to the form.</p> <p>8 A. No, I don't agree with that.</p> <p>9 BY Mr Zigler</p> <p>10 Q. But is there a distinction in the trade acceptance</p> <p>11 methodology on the basis of whether or not the client is</p> <p>12 a bank or another type of liquidity taker?</p> <p>13 Mr Genser: Object to the form.</p> <p>14 A. So I am not sure on the phrase liquidity taker here, but</p> <p>15 as I said earlier in my earlier answer, the same trade</p> <p>16 acceptance, logic and set of checks apply to all client</p> <p>17 trade that the bank does.</p> <p>18 BY Mr Zigler</p> <p>19 Q. Are you familiar with the term "delayed trade</p> <p>20 acceptance"?</p> <p>21 A. As it's used at Deutsche Bank, do you mean?</p> <p>22 Q. Yes, as it's used at Deutsche Bank. Are you familiar</p> <p>23 with the term "delayed trade acceptance" as it's used in</p> <p>24 Deutsche Bank?</p> <p>25 A. Yes, I am familiar with that term.</p> <p style="text-align: right;">73</p>	<p>1 A. Yes, I am.</p> <p>2 Q. And can you define what the term pip waiver means at</p> <p>3 Deutsche Bank?</p> <p>4 A. Yes, the pip waiver is a parameter used in the price</p> <p>5 check.</p> <p>6 Q. And when was pip waiver first introduced at Deutsche</p> <p>7 Bank?</p> <p>8 A. I don't recall.</p> <p>9 Q. Was it prior to 2010?</p> <p>10 A. Yes, it was prior.</p> <p>11 Q. Was it prior to 2009?</p> <p>12 A. Yes.</p> <p>13 Q. It was prior to 2008?</p> <p>14 A. Yes.</p> <p>15 Q. Was it prior to 2007?</p> <p>16 A. I am into territory where I couldn't say.</p> <p>17 Q. At some point prior to 2008 pip waiver was first</p> <p>18 introduced at Deutsche Bank. Is that correct?</p> <p>19 A. Yes, that's correct.</p> <p>20 Q. Is the use of a pip waiver a part of last look at</p> <p>21 Deutsche Bank?</p> <p>22 A. I would refer you to my earlier answer, the phrase last</p> <p>23 look is used to mean a basket of checks, so on that</p> <p>24 basis, then yes.</p> <p>25 Q. Are you familiar with the term asymmetrical trade</p> <p style="text-align: right;">75</p>
<p>1 Q. And can you define that term for me as it's used in</p> <p>2 Deutsche Bank?</p> <p>3 A. Yes. So delayed trade acceptance is the price check</p> <p>4 component of the trade acceptance process where a</p> <p>5 latency buffer may be applied.</p> <p>6 Q. Okay. I am going to hand you a document that's been</p> <p>7 marked as Exhibit 3.</p> <p>8 EXHIBIT 3 MARKED AND HANDED TO THE WITNESS</p> <p>9 If you could take a couple of moments to look at</p> <p>10 that please.</p> <p>11 For the record I'll identify Exhibit 3 is Bates</p> <p>12 number DB-Axiom_01314378 to 390.</p> <p>13 When did Deutsche Bank first introduce delayed trade</p> <p>14 acceptance into its trade acceptance process?</p> <p>15 A. So did you want me to finish reviewing the document or</p> <p>16 go to questions?</p> <p>17 Q. I would like you to answer that question if you can?</p> <p>18 A. Sorry, could you just repeat it.</p> <p>19 Q. Sure, in what year did Deutsche Bank introduce delayed</p> <p>20 trade acceptance?</p> <p>21 A. It was introduced in 2010.</p> <p>22 Q. Do you recall which month in 2010 it was introduced?</p> <p>23 A. I don't recall the precise month but my recollection</p> <p>24 would be around October time.</p> <p>25 Q. Are you familiar with the term "pip waiver"?</p> <p style="text-align: right;">74</p>	<p>1 acceptance?</p> <p>2 A. Yes, I am familiar with that term.</p> <p>3 Q. And could you define that term as it's used at Deutsche</p> <p>4 Bank for me?</p> <p>5 A. Yes. So the term asymmetrical trade acceptance would be</p> <p>6 a situation where upon receipt of a client trade</p> <p>7 instruction, the bank will accept the client's offer</p> <p>8 unless the client price has moved by more than the</p> <p>9 tolerance level in the direction of the client trade.</p> <p>10 Q. Let me direct you back to Exhibit 3. At page 382.</p> <p>11 There is numbers down the bottom right corner, those are</p> <p>12 called Bates numbers and I am directing you to the page</p> <p>13 on the document that ends in 382?</p> <p>14 A. Okay. I hadn't actually finished reviewing the full</p> <p>15 document, so if you want to ask me questions, I would</p> <p>16 prefer to review the whole document if that's okay.</p> <p>17 Q. That's fine.</p> <p>18 A. It was 82, was it?</p> <p>19 Q. Yes, please. Sorry, I meant to ask you who was the -</p> <p>20 when was asymmetrical trade acceptance first implemented</p> <p>21 at Deutsche Bank?</p> <p>22 A. The trade acceptance process at Deutsche Bank's been</p> <p>23 asymmetric since I joined in 2005. I couldn't comment</p> <p>24 beyond that.</p> <p>25 Q. Okay. I am sorry, yes, page 382. You can see at the</p> <p style="text-align: right;">76</p>



<p>1 A. Responsible in what context?</p> <p>2 Q. In any context?</p> <p>3 Mr Genser: Object to form.</p> <p>4 A. I am not sure I quite understand the question, the legal</p> <p>5 department ultimately own the terms and conditions of</p> <p>6 the document.</p> <p>7 BY Mr Zigler</p> <p>8 Q. So my question would be would they work with a non</p> <p>9 lawyer, would there be a non lawyer who would be</p> <p>10 responsible for working with legal to make any changes</p> <p>11 that may need to be made? Is there - let's withdraw</p> <p>12 that and disobey the question. Is there a business</p> <p>13 owner of the terms and conditions other than the legal</p> <p>14 department?</p> <p>15 A. I am not aware of a business owner in the context you</p> <p>16 seem to be describing.</p> <p>17 Q. Okay, to the best of your knowledge did any individuals</p> <p>18 outside the legal department participate in the drafting</p> <p>19 of this new language on page 22 of 47 in Exhibit 11?</p> <p>20 A. So throughout the process of drafting regular updates to</p> <p>21 Deutsche Bank's terms and conditions, the business will</p> <p>22 discuss with legal the regular conversations we have</p> <p>23 with clients, any changes to the product, and you know</p> <p>24 as a process across all aspects of the Autobahn</p> <p>25 products, and the legal team will draft terms and</p> <p style="text-align: right;">145</p>	<p>1 BY Mr Zigler</p> <p>2 Q. Can you tell me the largest number of clients that were</p> <p>3 subject to delayed trade acceptance prior to</p> <p>4 November 2014?</p> <p>5 A. I don't recall specific numbers of clients, but it's a</p> <p>6 small set of Deutsche Bank's overall clients of the</p> <p>7 order of 5% or so.</p> <p>8 Q. Okay. Does that mean that it would be smaller or larger</p> <p>9 than 1,000 clients?</p> <p>10 Mr Genser: Object to the form.</p> <p>11 A. I would have to check the numbers, I would expect it to</p> <p>12 be slightly less than 1,000 at any point in time.</p> <p>13 BY Mr Zigler</p> <p>14 Q. And that is information that's maintained in Deutsche</p> <p>15 Bank?</p> <p>16 Mr Genser: Object to the form, vague with respective</p> <p>17 information.</p> <p>18 A. So Deutsche Bank has a history of the parameters that</p> <p>19 are used in constructing the client liquidity profile</p> <p>20 that the client's looking for that we discuss with</p> <p>21 clients. There will be an audit trail of that. I am</p> <p>22 not aware of a specific report that would historically</p> <p>23 say at this point in time.</p> <p>24 BY Mr Zigler</p> <p>25 Q. But you believe that you could derive of a list of</p> <p style="text-align: right;">147</p>
<p>1 conditions with that information.</p> <p>2 Q. Was there a change to the product between May 2011 and</p> <p>3 November 2014 which precipitated the change in language</p> <p>4 on page 22 of 47 in Exhibit 11?</p> <p>5 Mr Genser: Object to the form.</p> <p>6 A. The Autobahn product is always evolving. With the</p> <p>7 introduction of delayed trade acceptance as a</p> <p>8 functionality and the small number of clients that we</p> <p>9 are - that that functionality was used due to their</p> <p>10 style of execution, the latency sensitive nature of</p> <p>11 their flow, and what they were looking for in a</p> <p>12 liquidity provider, the bank had regular discussions as</p> <p>13 I have described earlier with those clients about its</p> <p>14 offering, across a range of features, including that of</p> <p>15 response time. Between May 2011 and November 2014, more</p> <p>16 clients were adopting that style of execution for FX</p> <p>17 liquidity, we were having these conversations with more</p> <p>18 clients and the functionality was still used by a small</p> <p>19 number of clients overall, but increasingly more clients</p> <p>20 are adopting that style of execution. It made sense to</p> <p>21 provide the same level of detail we were having in</p> <p>22 regular discussions with clients in a more formal</p> <p>23 document. Along with other changes that would have been</p> <p>24 made at the time to the overall terms and conditions.</p> <p>25</p> <p style="text-align: right;">146</p>	<p>1 clients that were subject to DTA in the fall of 2014.</p> <p>2 Mr Genser: Object to the form.</p> <p>3 A. As I say the client settings are stored, the client</p> <p>4 trades are stored, so the data is there that should</p> <p>5 facilitate that, so I would think it likely.</p> <p>6 BY Mr Zigler</p> <p>7 Q. Where is the audit trail of client parameters that you</p> <p>8 just mentioned stored at Deutsche Bank?</p> <p>9 A. Do you mean geographically?</p> <p>10 Q. No, I mean on what system?</p> <p>11 A. So the systems that would store would be the Autobahn</p> <p>12 database and then a rapid database.</p> <p>13 Q. I'm going to direct you back to page 22 of 47 of Exhibit</p> <p>14 11. The sentence that we were considering before.</p> <p>15 Again, the last full paragraph of that page that begins</p> <p>16 "in order to mitigate technological anomalies". You</p> <p>17 pointed to the language that said "subject to a short</p> <p>18 delay". I want to ask you about the following words</p> <p>19 "before it is considered for execution by bank". Do you</p> <p>20 see that?</p> <p>21 Mr Genser: Object to the form.</p> <p>22 A. I don't recall referring to the language short delay,</p> <p>23 but I see the phrase considered for execution by the</p> <p>24 bank.</p> <p>25</p> <p style="text-align: right;">148</p>

